

Lisa McGuire /R10/USEPA/US

04/04/2008 03:16 PM

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Subject Update on mixing zones (3)

Dear all,

I am writing to provide you with another update on EPA's review of Alaska's mixing zone regulation.

In October 2007, and again in January 2008, I sent you update messages explaining that DEC was revising a guidance document that describes how it would implement the revised mixing zone regulation, including a new section on implementation of the spawning area provisions. I explained that DEC planned to offer a public review period on this document, and that when the document became available to the public, EPA would seek exchange and consultation with Tribes on the document as part of our government-to-government consultation on our decision.

DEC has determined, however, that rather than provide a public review period, which is not required, DEC will send the new materials directly to EPA for EPA's consideration during our review of the revised mixing zone regulation. DEC plans to provide the new guidance to EPA in April.

The revised materials will be an important consideration in EPA's review of the revised mixing zone regulation. When DEC provides the new guidance document to EPA, it is still our intent to share it with Tribes as part of our government-to-government consultation, and to seek appropriate exchange with Tribes on these new materials, prior to making our final decision.

Thank you for your patience and interest in this matter. Please contact me with any questions.

Sincerely,

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